IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION No. 12321 of 2004

Between:

Vamshi Industries Limited, having its registered office at Sreenagar, Anaparthi, East Godavari District, rep.by its Managing Director N.Ramakrishna Reddy

..... PETITIONER

AND

1 Transmission Corporation of Andhra Pradesh Limited, Vidyuth Soudha,

Hyderabad, rep.by its Chairman & Managing Director
2 Andhra Pradesh Electricity Regulatory Commission, Singareni Bhavan,

Red Hills, Hyderabad rep.by its Secretary

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in deducting the amount for quantum of excess energy delivered above 100% PLF during each 30 minutes time block for the months from December 2003 to May 2004 from the Power purchase bill payable to the petitioner for the billing month of May 2004 pursuant to its Lr.No.FA&CCA/A&E/SAO/PP&S/D.No.671/2004, dated 23-06-2004 as illegal, without any authority and in violation of the principles of natural justice, and consequently direct the 1st respondent to pay the energy charges in accordance with the terms of the Power Wheeling and Purchase Agreement dated 14-11-1998 between the petitioner and the respondent.

For the Petitioner : Mr.C.V.NAGARJUNA REDDY, ADVOCATE

For Respondent No.1 : Smt.M.VINOBHA DEVI,

Standing Counsel for AP TRANSCO

For Respondent No.2 : Mr.P.SRI RAGHU RAM

Standing Counsel for APERC

The Court made the following :

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ORDER

The learned counsel for petitioner submits that he has been instructed by his client to withdraw the writ petition. To the said effect, learned counsel for petitioner addressed a letter dated 9.8.2004 to the Registrar (Judicial) of this Court.

Without going into the merits of the matter, the writ petition is accordingly dismissed as withdrawn. There shall be no order as to costs.

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B.PRAKASH RAO, J

NOTE:

Wire at party's costs.

B/o

DA/KVR

To

1 The Chairman & Managing Director, Transmission Corporation of

Andhra Pradesh Limited, Vidyuth Soudha, Hyderabad.

2 The Secretary, Andhra Pradesh Electricity Regulatory Commission,

Singareni Bhavan, Red Hills, Hyderabad.

3 Two CD copies.